

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In Re:

Chapter 13

CHARLES ANTONIO CROFF,

Case No. 18-69002-JWC

Debtor.

ALLY FINANCIAL INC.,

Movant.

v.

Contested Matter

CHARLES ANTONIO CROFF, Debtor,
NANCY J. WHALEY, Chapter 13 Trustee,

Respondents.

OBJECTION TO CONFIRMATION

COMES NOW, Ally Financial Inc. (“Movant”), creditor and interested party in the above Debtor's case, and as its Objection to Confirmation of the Debtor's proposed plan, show this Court as follows:

1.

That on November 9, 2018, the Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code.

2.

That the Debtor is indebted to Movant in the amount of \$21,219.91 on an installment sales contract for the purchase of a 2015 CHEVROLET IMPALA automobile, VIN: 1G11X5SL8FU100975 (the “Vehicle”).

3.

That the plan of payment proposed by the Debtor does not comply with the provisions of §1325 of the Bankruptcy Code.

4.

Movant objects on the grounds that the Debtor's plan does not pay Movant the replacement value of its collateral.

5.

Movant objects on the grounds that the proposed rate of interest is insufficient to pay Movant the present value of its claim.

6.

Movant objects on the grounds that the proposed adequate protection payment is insufficient. The payment must be increased and paid retroactively to provide for adequate protection on the Vehicle.

7.

Movant objects on the grounds that the proposed plan is not feasible as there are not sufficient funds allocated to Movant to fund the claim within the applicable commitment period.

8.

Movant objects on the grounds that an equal monthly payment must be provided for by the plan, pursuant to § 1325(a)(5)(b)(iii)(I).

9.

Movant objects on the grounds that the Movant is unable to verify that Debtor is maintaining insurance on the Vehicle, as required by the terms of the contract between the parties.

WHEREFORE, Movant prays that confirmation of the Debtor's proposed plan be denied and that it have such other and further relief as is just.

Shapiro Pendergast & Hasty, LLP

/s/ Vanessa A. Leo

Vanessa A. Leo

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CERTIFICATE OF SERVICE

I certify that I am over the age of 18 and that on January 11, 2019, a copy of the foregoing Objection to Confirmation was served by electronic mail or first class U.S. Mail, with adequate postage prepaid, on the following persons or entities at the addresses stated below:

Charles Antonio Croff
4845 Price Street
Forest Park, GA 30297

Shannon Charlmane Worthy
Stanton and Worthy, LLC
547 Ponce De Leon Avenue NE
Suite 150
Atlanta, GA 30308

Nancy J. Whaley
Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120, Suntrust Garden Plaza
Atlanta, GA 30303

Dated: January 11, 2019

Shapiro Pendergast & Hasty, LLP

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